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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,467	04/09/2004	John Melideo	J000-P03231US	1089
33356	7590	08/08/2006	EXAMINER	
SoCAL IP LAW GROUP LLP 310 N. WESTLAKE BLVD. STE 120 WESTLAKE VILLAGE, CA 91362			BAUTISTA, XIOMARA L	
			ART UNIT	PAPER NUMBER
			2179	

DATE MAILED: 08/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/821,467

Applicant(s)

MELIDEO, JOHN

Examiner

X. L. Bautista

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-60 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-60 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed 23 May 2006 have been fully considered but they are not persuasive.

A. Applicant argues that Cho does not teach “transmitting the search request’ and ‘receiving a search response responsive to the search request’, ‘the search response including’ ‘and ad having a dial link’.” (page 18, fourth paragraph).

In response, Cho discloses a system and method that enables users to search the Web for phone numbers which are selectable links (dial links), and Bertacchi discloses generation of call triggers for initiating a phone call between a primary number and a secondary number. Cho/Bertacchi teaches transmission of a search request and providing a dial link to enable communication between a first telephone number and a second telephone number.

B. Applicant argues that “Cho does not teach or suggest ‘instructions for triggering a multileg phone call with a merchant phone number associated with the dial link and a user phone number.’” (page 22, second paragraph).

In response, Cho discloses a system and method that enables users to search the Web for phone numbers which are selectable links (dial links), and Bertacchi discloses generation of call triggers for initiating a phone call between a primary number and a secondary telephone number. Cho/Bertacchi teaches initiating a

phone call between a first phone number (which could be a person, a service system or service provider) and a second phone number (which could be a person, a service system or service provider).

C. Applicant argues that Bertacchi does not teach or suggest “generating a call trigger in accordance with the instructions in the search response, the call trigger for initiating a multileg phone call with the user phone number and the merchant phone number.” (page 23, last paragraph).

In response, Cho discloses a selectable dial link that when selected by the user triggers initiation of a telephone call and Bertacchi teaches generation of call triggers for initiation of phone calls between a primary and secondary telephone numbers.

D. Applicant argues that the figure 5B in Cho “fails to teach or suggest that ‘a displayable ad content information, the ad further having a dial link, the dial link having a display portion for indicating availability of initiation of a phone call with a merchant associated with the dial link...” (page 25, last paragraph).

In response, Cho teaches a system that enables users to search the Internet; the system displays a web page in response to the search that displays selectable links (dial links); the web page having ad data including telephone numbers.

E. Applicant argues that Musk does not teach “billing a business for a telephone call placed to the business neither teaches nor suggests...charg[ing] the merchant

for the user **activating the dial link**" (page 28, last paragraph).

In response, Cho/Bertacchi discloses initiating a telephone call between a first and a second phone number and Musk discloses phone icons that allow call initiation between a customer and a selected business. The business directory is set up to bill the business for the calls; it is adaptable to be used like an 800 service.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-5, 7-19, 21-25, 27-39, 41-45, and 47-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Cho et al* (US 6,834,048 B1) and *Bertacchi* (US 5,790,638).**

**Claims 1, 41 and 51:**

Cho discloses a method for initiating Internet telephone calls from a web page. Cho explains that users may search the Web for contact phone numbers and that the invention facilitates selection of phone numbers by using an input device and that it provides an automated, interactive and immediate real-time call

connection capability for the web page user to the individual or business (col. 3, lines 50-67; col. 4, lines 1-13). Cho teaches that to place a call to a telephone number the caller selects the phone number by clicking on the underlined or highlighted text (ad, dial link), (col. 6, lines 44-50). Cho teaches that character strings indicative of a telephone number are modified into a link and then the system displays the telephone number (col. 1, lines 56-67). Cho teaches selecting and activating the link and initiating the telephone call to the telephone number represented by the link (col. 2, lines 1-11; col. 7, lines 1-15).

Cho does not teach generating a call trigger for initiating a multi-leg phone call. However, Bertacchi discloses a system and method for controlling initiation of secondary telephone numbers. The system is responsive to an incoming call made to a primary telephone number subscribing to a call transfer service feature. The invention responds to an incoming call made to a primary phone number by simultaneously calling specified secondary numbers (multi leg calling), (abstract; col. 1, lines 60-67; col. 2, lines 1-8, 44-61). Therefore, it would have been obvious to one ordinarily skilled in the art at the time the invention was made to modify Cho's method for initiating phone calls to include Bertacchi's teaching of placing a multi-leg phone call because a user can be reached at any of a plurality of specified telephone numbers maximizing the chance of being reached anywhere at any time.

Claims 2, 22 and 42:

See claim 1. Cho teaches a computer (having input device, display device, processor, and a memory) having a display screen and software for displaying a web page (figs. 5A-5B; col. 4, lines 15-65).

Claims 3, 5, 23, 25, 43 and 45:

Cho teaches a designated telephone number being a link to an Internet telephone service provider (col. 6, lines 44-50).

Claims 4, 24 and 44:

Bertacchi teaches that in response to an incoming call the system determines by querying a database, whether the telephone associated with the primary number subscribes to a call transfer calling service feature (col. 2, lines 44-50).

Claims 7, 8, 27, 28, 47 and 48:

See claim 1. Cho teaches the invention comprises accessing a web page using a browser (col. 1, lines 56-60).

Claims 9, 29 and 49:

Cho teaches receiving a phone number entered or selected from a previously entered phone number (col. 1, lines 56-67; col. 2, lines 1-11; col. 4, lines 3-14; col. 6, lines 44-50).

Claims 10, 30 and 50:

Cho teaches activating a dial link by clicking on the link (col. 6, lines 44-50).

Claims 11, 31 and 51:

See claim 1. Cho shows in figure 5B a web page displaying links having ad data including content information, address, and telephone number.

Claims 12, 32 and 52:

See claim 1. Cho teaches a character string (col. 1, lines 56-67) and URLs (col. 4, lines 24-49).

Claim 13, 33 and 53:

See claim 1. Cho teaches a user being enabled to access the Internet and search a web site by using a client computer (figure 1A-1B).

Claims 14, 34 and 54:

Cho teaches triggering instructions included in the dial link (col. 4, lines 24-49).

Claims 15, 16, 35, 36, 55 and 56:

Cho teaches instructions for displaying a page (fig. 5A).

Claims 17, 37 and 57:

Cho teaches merchant identifier (fig. 5A).

Claims 18, 19, 38, 39, 58 and 59:

Cho teaches a web page having telephone numbers (fig. 5A).

Claim 21:

See claim 1. Cho teaches a computer (fig. 1A) having display screen, input



device, processor, memory and display screen.

4. **Claims 6, 20, 26, 40, 46 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Cho/Bertacchi* and *Musk et al* (US 6,185,194 B1).**

Claims 6, 20, 26, 40, 46 and 60:

Cho/Bertacchi does not teach sending a message to a billing system to charge the merchant for the user activating the dial link. However, Musk discloses a system and method for initiating telephone calls using Internet initiation. Musk teaches that a web site accessed to place a call has a directory with a phone icon for a business to allow call initiation; the web site contains billing information and the business directory provides reverse billing and can be used to bill the business for the telephone call instead of the user (col. 2, lines 1-8; col. 3, lines 1-14). Thus, it would have been obvious to one ordinarily skilled in the art at the time the invention was made to modify Cho/Bertacchi's method and system for initiating telephone calls between a first and second phone numbers to include Musk's teaching of charging and billing a merchant for a telephone call when the user activates a dial link because it is a real incentive and it is very convenient; users can communicate with the merchant easily and quickly while saving money and they also save time because they don't have to spend time dialing telephone numbers.

### *Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. *Chang* discloses an advertising response system that displays an advertisement having embedded contact information; the system displaying an indication that the ad is callback enabled; and establishing a telephone communication between the user and an advertiser when the user selects the link (abstract; fig. 4; p. 1, par. 0009-0012, 0014-0016; p. 2, par. 0017-0020; p. 3, par. 0031, 0037, 0038; p. 4, par. 0039-0047; p. 5, par. 0050, 0054, 0055, 0060, 0061; p. 6, par. 0062-0065, 0067). *Stettner* discloses an advertising service that displays an interactive advertisement to a customer; the user is enabled to respond to the ad; the system identifies the customer and automatically connects the customer to the merchant (abstract; p. 1, par. 0009; p. 4, par. 0045; p. 5, par. 0046, 0050-0051; p. 6, par. 0058, 0061, 0062; p. 7, par. 0063). *Kennedy* teaches a system that displays ads having contact information (p. 1, par. 0003, 0014). *Kim* teaches a system that provides ads and enables users to call a merchant and place an order (abstract; p. 1, par. 0008; p. 6, par. 0037). *Baiyor et al* discloses a system that provides telecommunication conference services in a multi leg telecommunication session (abstract; col. 3, lines 6-22, 44-67). *Johnson* discloses an automatic dialing device for automatically dialing telephone numbers and placing orders (abstract; p. 1, par. 0001, 0002, 0006, 0011-0012, 0017, 0018; p. 2, par. 0021, 0025-0028, 0046; p. 3, par.

0052-0055; p. 4, par. 0062, 0065).

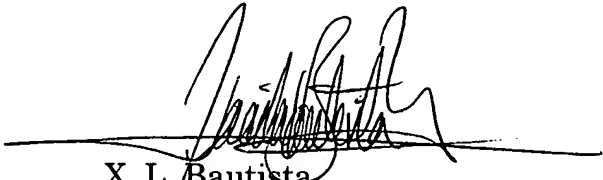
6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to X. L. Bautista whose telephone number is (571) 272-4132. The examiner can normally be reached on Tuesday-Friday 8:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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Primary Examiner  
Art Unit 2179

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August 1, 2006